

P. Todd Mullins
Leslie B. Bellas
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426
(202) 502-8594

Attorneys for Federal Energy Regulatory Commission

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**U.S. COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff,

V.

**AMARANTH ADVISORS L.L.C.,
AMARANTH ADVISORS (CALGARY) ULC,
and BRIAN HUNTER**

Defendants.

07-cv-6682 (DC)

**FEDERAL ENERGY REGULATORY COMMISSION'S
UNOPPOSED MOTION TO EXCEED PAGE LIMIT**

The Federal Energy Regulatory Commission (FERC), through its undersigned counsel,¹ seeks leave to file a forty (40) page memorandum of law in opposition to Amaranth Advisors L.L.C.'s and Amaranth Advisors (Calgary) ULC's (collectively Amaranth Entities) Motion for Preliminary Injunction (Docket No. 3) currently due on **September 7, 2007**.² Neither the Amaranth

¹ Although the undersigned counsel was granted permission at the August 16, 2007 conference to address the court, motions for the undersigned counsel to appear *pro hac vice* require original documentation and, therefore, will be filed with the Court tomorrow.

² FERC has also submitted today a letter request to the court to extend the time for the filing of the memorandum and other schedule adjustments, but submits that the relief would be appropriate regardless of the matters addressed in that request.

Entities nor the Commodity Futures Trading Commission (CFTC) oppose this Motion. In support of this request, FERC states as follows:

1. On August 13, 2007, Defendants, Amaranth Advisors L.L.C. and Amaranth Advisors (Calgary) ULC, made an *ex parte* Motion for Preliminary Injunction with a 30 page supporting brief.

2. The Amaranth Entities have, in their 30 page brief, raised numerous and assorted charges, claims, contentions and authorities to which the FERC ought to respond. Amaranth will have an opportunity to file a reply memorandum of up to 10 pages in length.

3. Leave to file a Memorandum in Opposition to Amaranth's Motion for Preliminary Injunction in excess of the 25-page limit imposed by this Court is sought because the page limit imposed is insufficient for a thorough discussion of: (1) the relevant factual background necessary to understand the complex financial and natural gas markets at issue in this case; (2) the three statutes underlying claims made by the FERC and the Commodity Futures Trading Commission; (3) the extensive record regarding agency investigations and related litigation; (4) the jurisdiction of the Court of Appeals to review a FERC order; (5) the lack of irreparable harm to the Amaranth Entities; and (6) the reasons why Amaranth is unlikely to prevail on the merits, including a discussion of FERC's statutory authority to regulate manipulation in its jurisdictional markets; and (7) the CFTC's related jurisdiction.

4. The FERC believes that granting the instant Motion would cause no prejudice to any party and would assist the court by presenting a complete discussion of the relevant issues and considerations bearing on the Motion. Amaranth has conditioned its consent on FERC consenting to additional pages in any Amaranth reply and FERC has no objection in that regard.

WHEREFORE, the FERC respectfully moves for leave to file a 40 page memorandum in Opposition to Amaranth's Motion for Preliminary Injunction.

DATED: September 5, 2007

Respectfully submitted,

SUSAN J. COURT
ROBERT E. PEASE
LEE ANN WATSON

/s/ Todd Mullins
Todd Mullins (D.C. Bar # 429539)
Leslie B. Bellas (D.C. Bar # 429707)
Nicole Brisker (D.C. Bar # 480252)
Federal Energy Regulatory Commission
Office of Enforcement
Division of Investigations
888 First Street, NE
Washington, DC 20426
(202) 502-8594

Attorneys for
Federal Energy Regulatory Commission